

P-421/CP-91-249 ORDER DETERMINING THAT NO POLLING OR ASSESSMENT  
IS NECESSARY AND CLOSING DOCKET

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm  
Tom Burton  
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Dee Knaak  
Norma McKanna

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of a Petition from  
the Sandstone Exchange for  
Extended Area Service to the  
Hinckley Exchange

ISSUE DATE: April 28, 1993

DOCKET NO. P-421/CP-91-249

ORDER DETERMINING THAT NO  
POLLING OR ASSESSMENT IS  
NECESSARY AND CLOSING DOCKET

**PROCEDURAL HISTORY**

On March 13, 1991, petitioners in the Hinckley exchange filed petitions for extended area service (EAS) to the exchanges of Pine City, Mora and Sandstone. Docket No. P-421/CP-91-185, 186, 187. On April 1, 1991, subscribers in the Sandstone exchange submitted a petition for EAS to the Hinckley exchange. Docket No. P-421/CP-91-249.

On September 29, 1992, the Commission issued its ORDER ADOPTING RATES FOR POLLING in the two EAS dockets. In that Order the Commission adopted EAS rate additives for each of the proposed EAS routes. The Commission also decided certain procedural questions raised by the "reverse" or "mutual" petitions which had been filed by Sandstone for EAS to Hinckley and by Hinckley for EAS to Sandstone. The Commission determined that subscribers in Hinckley and Sandstone must be polled separately regarding EAS. The Commission thus rejected the Department of Public Service's idea of considering the Sandstone and Hinckley exchanges as one for polling purposes.

Polling for the proposed EAS routes from Hinckley to Pine City, Mora and Sandstone took place between February 12, 1993 and April 12, 1993.

On March 15, 1993, the Sandstone petition sponsor filed a letter with the Commission. In the letter the sponsor stated that Sandstone subscribers should be polled regarding the proposed Sandstone/Hinckley EAS route at the same time the Hinckley subscribers were being polled regarding the proposed Hinckley/Sandstone EAS route.

On March 22, 1993, Commission staff informed the Sandstone petition sponsor by letter that the Commission would determine the necessity of polling the Sandstone exchange when the results in the Hinckley poll became available.

On April 20, 1993, in a proceeding under Docket No. P-421/CP-91-185, 186, 187, the Commission certified the results of EAS polling from Hinckley to Pine City, Mora and Sandstone. The Commission found that a majority of subscribers responding favored EAS to each of the three petitioned exchanges. The Commission therefore ordered certain further filings to proceed to implementation of EAS in the three proposed routes.

The Commission also met on April 20, 1993, to consider the Sandstone petition sponsor's request for the polling of Sandstone subscribers regarding EAS to Hinckley.

On the day of the Commission's meeting, April 20, 1993, the Sandstone petition sponsor filed a letter withdrawing her request for a poll of the Sandstone subscribers.

### **FINDINGS AND CONCLUSIONS**

Minn. Stat. § 237.161 describes the third criterion for a successful EAS petition as follows:

Polling by the commission shows that a majority of the customers responding to a poll in the petitioning exchange favor its installation, unless all parties and the commission agree that no polling is necessary.

In its September 29, 1992 Order, the Commission found that Hinckley and Sandstone were each petitioning exchanges and that they should be polled separately, not as one.

Commission staff made a decision to poll Hinckley subscribers regarding the proposed Hinckley/Sandstone EAS route, rather than the Sandstone subscribers regarding Sandstone/Hinckley. The staff made this decision because Hinckley had simultaneous EAS petitions to Pine City and to Mora, and Hinckley subscribers would therefore be balloted on those petitions. Combining the Hinckley/Sandstone EAS issue on the same ballot as the Hinckley/Pine City and Hinckley/Mora questions was the most efficient and cost effective means of handling the petitions.

When a majority of Hinckley subscribers voted in favor of EAS to Sandstone, the third and last statutory requirement for a successful EAS petition was fulfilled. Under Minn. Stat. § 237.161, EAS will therefore be implemented between Hinckley and

Sandstone. The statute contemplates that a successful EAS petition will result in two-way toll-free calling between the petitioning and the petitioned exchange. The statute does not provide for the possibility of the petitioned exchange (which does not vote in the proceeding) preventing implementation of EAS if the petitioning exchange votes in favor of EAS. Thus, in the Hinckley/Sandstone petition, Sandstone will be connected to Hinckley by EAS, whether or not the Sandstone subscribers favor it. Allowing Sandstone subscribers to vote on their own Sandstone/Hinckley petition would not change this fact.

Although polling on the Sandstone/Hinckley petition could not prevent the implementation of EAS between Sandstone and Hinckley, it **could** create balloting costs which would be billed back to Sandstone subscribers through a one-time non-recurring charge. Proceeding to polling on the Sandstone/Hinckley petition would therefore work against the interests of Sandstone subscribers.

The Sandstone petition sponsor has agreed with this assessment and has withdrawn her request for a polling of Sandstone subscribers.

For these reasons, the Commission will not require polling on the Sandstone/Hinckley petition. No non-recurring balloting charges will be assessed against the Sandstone exchange, since no polling of Sandstone subscribers occurred. Since all further issues regarding EAS between Sandstone and Hinckley will be dealt with in the Hinckley/Sandstone docket, P-421/CP-91-185, 186, 187, the Commission will close the Sandstone/Hinckley docket.

#### ORDER

1. Docket No. P-421/CP-91-249 is closed. No polling of Sandstone subscribers will take place and no non-recurring balloting charges will be assessed against Sandstone subscribers.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster  
Executive Secretary

(S E A L)